

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

THOMAS C. ROBINSON,

Petitioner,

v.

CIVIL ACTION NO. 5:20-cv-00579

D.L. YOUNG, Warden,
P. BOULET, Associate Warden - Operations,
M. ARVIZA, Associate Warden - Programs,
NANCY O'DELL, Case Management
Coordinator, T. CARTER, Assistant
Case Management Coordinator, ERIN STENETTE,
Unit Manager, CHRISTY MEADOWS,
Case Manager, C. RODRIGUEZ,
Captain, BRANDON FAIN,
Health Services Administrator,
ROGER EDWARDS, D.O. - Physician,
JOE COOPER, P.A. - Physician's Assistant,
and N. THOMAS, Food Services Administrator,

Respondents.

ORDER

Pending is Petitioner's Complaint [Doc. 2], filed September 8, 2020, and Petitioner's Application to Proceed with Prepayment of Fees and Costs [Doc. 6], filed October 19, 2020. This action was previously referred to the Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on September 20, 2021. Magistrate Judge Aboulhosn recommended that the Court dismiss Petitioner's Complaint without prejudice and deny his Application.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C.

§ 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also* *United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on October 4, 2021. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R **[Doc. 9]**, **DENIES** Petitioner’s Application to Proceed Without Prepayment of Fees and Costs **[Doc. 6]**, **DISMISSES** the Complaint **[Doc. 2]**, and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: February 8, 2022




Frank W. Volk
United States District Judge